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Fire Suppression Interim Committee

60th Montana Legislature

SENATE MEMBERS

JOHN COBB
KEN HANSEN
RICK LAIBLE
DAVE LEWIS
GERALD PEASE
CAROL WILLIAMS

HOUSE MEMBERS

STEVE BOLSTAD
JIM KEANE
KRAYTON KERNS
RICK RIPLEY
CHAS VINCENT
BILL WILSON

COMMITTEE STAFF

LEANNE HEISEL, Lead Staff
TODD EVERTS, Staff Attorney
DAWN FIELD, Secretary
BARBARA SMITH, Fiscal Analyst

MINUTES

Seeley Lake Chamber of Commerce
June 19, 2008
8:30 a.m. to 1:00 p.m.

2920 Highway 83 North
Seeley Lake, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

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COMMITTEE MEMBERS PRESENT

SEN. JOHN COBB
SEN. RICK LAIBLE
SEN. DAVE LEWIS
SEN. GERALD PEASE
SEN. CAROL WILLIAMS
REP. STEVE BOLSTAD
REP. JIM KEANE
REP. KRAYTON KERNS
REP. RICK RIPLEY
REP. CHAS VINCENT
REP. BILL WILSON

COMMITTEE MEMBERS ABSENT

SEN. KEN HANSEN

STAFF PRESENT

LEANNE HEISEL, Lead Staff
BARBARA SMITH, Fiscal Analyst
Cj JOHNSON, Secretary

AGENDA/VISITOR'S LIST

Agenda, Attachment #1
Visitors' list, Attachment #2.

COMMITTEE ACTION

Panel Discussion:

- **Rhonda Fitzgerald, MT Tourism Advisory Council**
- **Loren Rose, Pyramid Lumber**
- **Tom Ray, General Manager, Plum Creek Northwest Region**
- **Tim Love, District Ranger, Seeley Lake Ranger District, USFS**

CALL TO ORDER AND ROLL CALL

- 00:12:42 SEN. CAROL WILLIAMS opened the Committee meeting at 8:30 a.m. The secretary noted the roll. Attachment #3. SEN. HANSEN is absent.
- 00:13:55 SEN. WILLIAMS welcomed everyone to the meeting at the Seeley Lake Chamber of Commerce.
- 00:15:01 SEN. WILLIAMS introduced Bud Moore and provided background information about him. She said that Mr. Moore is retired from the Forest Service with distinction. She informed the committee members and the public that Mr. Moore was a contemporary with Norman Maclean, who wrote the book "A River Runs Through It". She stated that Mr. Moore was the first unofficial person to review Mr. Maclean's book.
- **Private forest management principles**
- 00:16:27 **Bud Moore, Seeley-Swan**, said he is retired from the Forestry. He talked about the Seeley-Swan having a lot of fire problems and how they are trying to return the fires and the forest back to the ecosystem. He said that fires are like wind and rain, they are here with all of us, and it is inevitable. He said we have to learn to work with it, and yet have respect for the power of things that destroy a lot of human habitation and the forest.
- Mr. Moore talked about growing up in the Bitterroot. When he was eight years old lighting struck a tree across the fence from his home which started a big fire. This was his first initial attack and he said that is when he became addicted to fighting fires. Mr. Moore also talked about when he was older and fighting fires and how they used mules to pack equipment into the back country to fight fires.
- 00:21:21 Mr. Moore presented information and graphs he had drawn on a chart that depicted the key milestones that have taken place since fires have become adversaries. **EXHIBIT 1** He talked about some of the big changes that have

taken place over time. He said the Forest Service needs help, such as a new model to fight fires. He used his chart to explain the principles of land management.

MILESTONES IN FIRE POLICY

Mr. Moore talked about:

- The Peshtigo fires in northern Minnesota and Wisconsin. These were logging fires that grew and formed one large fire from a cold front that was pushing through the area. This fire of October 8, 1871 in Peshtigo, Wisconsin didn't get much notice because it was the same night as the great fire in Chicago. Approximately 3,000 people perished in the Peshtigo fire compared to 300 in the Chicago fire.
- The fires of 1910. This fire burned a lot of Montana, Idaho, and other parts of the west. Mr. Moore said this fire was much like the Peshtigo fire, but in a different manner. He said that fires are part of the ecosystem. He showed the area on his chart where the fires of 1910 burned. See exhibit 1. He said this fire burned 3 million acres in 3 days through northern Idaho and the Bitterroots in western Montana.
- The fires in the 1930s. The fires of 1934 was located in the Lochsa-Selway and Clearwater country. It was at this time that the National Forest Service divided the Selway forest into three sections; Mr. Moore named four sections of the National Forest; the Clearwater, the Nez Perez, the Lolo, and the Selway (the Lolo later became the Bitterroot). A fire policy was developed that was called the 10:00 a.m. policy. Mr. Moore said this policy lasted for 40 years. He explained it was a military style policy, because someone was accountable no matter what, very stringent and strict.

Mr. Moore talked about how he and Bruce Kilgore started the support system on the management of land. He said when they tried to get this started they found that the National Forest Service had no management plans for the land. He said there was no timber plans, no wildlife plans, no burn plans, etc. Mr. Moore and Mr. Kilgore made land management plans. He said they weren't the best in the world, but they were adequate. He discussed:

- Fire control to fire management.
- Investment in wildlands, commercial land, such as Plum Creek land, and resettlement of the west.
- Migration routes for wild game.
- Habitat for grizzly bears and other endangered species.

00:38:07

Mr. Moore talked about Seeley-Swan being too small to fight the big fires that have taken place. He discussed the communities getting together to talk about conservation ownership. He said that Missoula County has been coming alive in their assistance to achieve conservation issues.

Questions from Committee Members:

00:40:15 SEN. LEWIS asked Mr. Moore about zoning, and if the state should be passing laws that a person cannot build a house in a forested area, and wanted Mr. Moore's thoughts from a state's perspective and what type of leadership should we be offering on how to deal with this conflict when people want to live in the woods, and how landowners need to realize the value of their land when the enemy (fire) is us. Mr. Moore responded that we have good leadership, and the local people of the Seeley-Swan area understand this, but everyone needs to be involved in the fire program. He said the problem is that the government has moved away from the people. The professionals have taken over the firefighting, and people have dropped out of the fire program except those that are in the profession. He stressed that the professionals such as Bob Harrington, who does allow the firefighters to go for the flames. He said that local people need to be grabbed up first to fight the fires especially on an initial attack, because that is the most important time. He said the time to fight fires is at night. He is hearing from ranchers, fire fighters and others that the state forestry attacks fires pretty aggressively, but the Forest Service isn't, he said it's like they are in it for money. He stated that everyone is disconnected. He talked about the people that come from all over to fight fires when we should use our local people first. Mr. Moore said the outsiders do not go for the flame, only the fires. He said there needs to be more involvement at the local level. The Seeley-Swan needs four fire crews which would consist of 25 people on each crew. Mr. Moore talked about a young man that had told him he has worked for the Forest Service for three years and said there was no action on the fires anymore. The young man said he is going to work for the state fire crews, because that is where the action is.

00:47:24 REP. KEANE asked Mr. Moore about a shift in changes regarding the use of equipment, for example; instead of letting the fires burn down the underbrush, to use the equipment and cut it down before it grows. Mr. Moore responded that the bottom-line then it becomes "when is it a natural forest?"

00:50:13 SEN. LAIBLE asked about the Lochsa fires of 1934, when the Chief of the Forest Service put the 10 a.m. policy in place, and he wanted to know what the policy did. SEN. LAIBLE also questioned that it looks like we keep creating more policies and wanted to know if that is the reason that the Forest Service is paralyzed. Mr. Moore responded by stating that a friend told him they need to dump all the policy stuff and give the firefighters a regular use book and let them fight fires from there. He explained the 10 a.m. fire policy that started way back in the 1930s until the mid-1950s when fire was considered to be detrimental to the health of the ecosystems. During the 1930s, the National Park Service and the U.S. Forest Service adopted identical fire policies. According to these policies any wildland fires would be extinguished by 10 a.m. the following day. This is commonly referred to as the 10 a.m. rule. During the 1930s though some researchers began to suggest that fire was a natural component of ecosystems. Finally, in the 1960s and 1970s, fire policy began to shift from suppressing all fires to allowing some fires to burn and even to igniting prescribed fires. Mr. Moore talked about mapping out the Wildland Urban Interface (WUI), and said we have the models, but we have geared away from them.

Panel:

- Tourism Industry

00:57:57

Rhonda Fitzgerald, Ecosystem Management Research Institute, Advisory Council, Whitefish, distributed a handout that gives background information on recent wildland fire policy and legislation promoting collaboration among agencies and communities for wildfire management and encourage preparedness through Community Wildfire Protection Plans (CWPP's). **Exhibit 2**

Ms. Fitzgerald talked about the Research Institute and how they are involved with damage control in the area of economic impact on the tourism industry in Montana. She explained tourism and the role it plays on the economy of Montana, and that the tourists do cancel their plans to Montana when there are fires. She said that Seeley Lake really saw the effect of that. It isn't the actual fire that destroys the economy, but the deception of what the media states that scares people off. She said when the Bitterroot burned, Glacier Park lost a lot of tourists. When Glacier burned she put together a package to create a message on what was actually happening on the ground so people could readjust their plans.

Ms. Fitzgerald talked about an on-line website to keep tourists updated when there are fires or a catastrophe here in Montana. She said that the media loves sensation and the people eat it up. She said that the legislature needs to change the 20-day disaster proclamation, because every time a disaster happens the media picks it up and the tourists stay away.

Questions from Committee Members:

01:04:23

SEN. COBB asked if a declaration can be proven that the media keeps tourists away when there are fires. Ms. Fitzgerald said there is an 800 call number that keeps track of tourists cancelling their reservations and the reasons why they cancelled. He asked Ms. Fitzgerald to get the data on the number of people that cancel reservations when there is a declaration. She replied that she would.

Panel:

01:06:49

Loren Rose, Controller at Pyramid Mountain Lumber Mill (Mill), said he has been at the Mill for 23 years, and raised his family here in the Seeley-Swan. He said SEN. WILLIAMS asked him to talk about what do fires mean to the Mill. He talked about last year's fire and how it affected him. When he showed up at the office about 8 p.m. on a Saturday night the county sheriff said his area is being evacuated and told him that they could not be there. He said it is alarming when the sheriff controls the public road, but they were able to go through the logger roadway so he could clean out their offices and everything they needed to make sure they had everything protected and secured for them to be able to continue to operate. He said that normally a fire means good news for the mill, because a fire means there is timber available for the short-term. He said that the state has done a great job on timber sales. The wood that he sold last December had held all its quality even though it was burned. He talked about another timber sale

that will take place next week. He said they have visited that site and the white woods are starting to check and blue, but he felt it won't affect the wood too much. He commented that his good friends from the Forest Service are in attendance, and told them not to take anything personal. He said fires are a good thing for his company, because the fire sales produce good lumber. He had several samples of boards, which he explained. The first board he showed had a knot in it, and said if this board had been cut timely it would have been worth \$1.73 on today's prices, but because it wasn't cut timely there is a little bit of blue stain that means it has been in a fire. He said according to Western Wood Products this board is a #3 grade, so the board is worth only 93 cents wholesale. He said when fires happen and there isn't a timely response the white wood loses its value. He showed another board that he called the forest service board, which is a #4 board and it has grub holes in it. He said the bugs have been in it long enough to make holes. He said this board hasn't even maintained its #3 characteristics, so it is now a #4, worth only 67 cents instead of 93 cents. While fires usually mean there is a product available for the sawmills it is very important that the availability comes quickly. He said by far the state does a great job, but the federal government by no fault of the individuals, do not do a good job. Fire sales mean that the tree harvest has to be done quickly after fires.

Mr. Rose talked about Colorado having legislation in place to get some help to the Forest Service through the Colorado State Department of Forestry. He said there has been some talk in Montana on how can we help the Forest Service here get out and do a more timely salvage of timber when it is available. But the bad side of a fire is they do kill a lot of trees that will never see a sawmill. The state cannot sell anything that burns, and neither can the Forest Service. Plum Creek lost a lot of ground last year, and even if they (Plum Creek) managed that land there isn't a lot of merchantable timber because there is a lot of regenerate burns that might have been growing for another 20 to 30 years, and now it is set back 20 to 30 years. He said when we have those large fire seasons like we had last year on state timbered lands, whether they are on agency or private lands they lose a lot of volume that would normally come in throughout the years. So effectively when losing a lot of the timber base as these catastrophic fire years come they get more and more severe as time goes on. He said the mills in this state are at a disadvantage, because the timber base is eroding very quickly when you have the size of fires that we had last year. He said that now compounding that problem is the fuel infestation which comes behind the fires when the trees are weakened. The surviving trees are hit by the bugs that come, and this is a bigger issue than fire, because those dead trees are going to burn at some point by providing fuels. So the good news is in the short-term years, surviving mills can operate long-term, but it takes a lot of the timber base away.

Mr. Rose said that people who work in the woods make a lot more money during the fire season than they do during the logging season. He said a lot of them live for the fire season. When the smoke starts the loggers take off with their equipment and they get the certification they need even though they may never

need the paper. He said a lot of people that were here last summer to fight fires lived in motels and never left the pavement. He said they made way more money waiting to be called to fight the fire than they would have made from logging. He said it is very difficult to wood a mill in the summer when so many logging contractors are out chasing smoke. He didn't know if there was any better way to do it, but it is a problem that is getting worse every year. He said not only are we losing contractors, but we are operating on limited dollars. He said when there are shortened hours and have fewer contractors it's getting harder and harder for mills to obtain wood. He talked about certain fires that affect certain stands of timber which can effect the market, such as a fire in western Montana where a little bit of product can be put out on the global market. He made reference to the Chippy Fire over on the BIA that burned some beautiful pine stands that are better stands than what the bitterroot pine stands that were harvested in 2001. The Tribe took those bitterroot pine and put some 16 timber sales together; they sold small and large fir, and small and large pine. He said that Plum Creek bought three of the four large pine sales that made a beautiful wood, and created a very high end product that is called core stock which has a tremendous grade. The core stock is rough lumber that is run through a finish mill and then used for making doors and windows. He said there isn't enough of that type of timber out there, but when there is that much product on the market the market will respond. He didn't know what the lumber sold for, but guessed about \$1,500 a thousand board feet, and now it is under a \$1,000 for a thousand board feet -the lumber has lost one-third of its value, and yet it is very high grade. He said that Plum Creek and Pyramid Company had some oversized logs leftover because the prices had dropped. He said it goes to show that there can be too much of a good thing.

Mr. Rose said on a statewide level it is hard to quantify when a fire occurs. The highways and campgrounds were shut down in this area from the firefighters dipping water out of the lake for so long. He stated that his wife who owns a main street business had lost a third of her income compared to what she earned the year before. He said the impact on tourism is real. People can change their minds in a hurry, and you can't blame them. He said when the campgrounds are empty there are no tourists to purchase products.

Questions from Committee Members:

01:17:03 REP. BOLSTAD asked when is the best time to go back into the woods to log after a fire. Mr. Rose said one to two years, but it depends on the conditions.

01:17:38 SEN. COBB wanted to know who to talk to about the viability of the mills and the economics to keep the mills in existence. Mr. Rose said all the mills in the state have been losing for 2 years. He talked about a meeting with everyone from the mills, the Governor's office, DNRC, and all the nuances in the state. He has written a letter to Mary Sexton, Director of DNRC, addressing three concerns:

- How much more can we stand.
- How much more milling capacity will leave the state.
- How much more milling capacity before Roseburg Forest Products and Smurfit (Smurfit-Stone Container, Missoula) are affected. **Exhibit 3**

Mr. Rose stated that if either of these two industries are affected to the point that they have to shut down operations that Montana will see the industry basically leave the state except what is up on the Flathead. He said then we will look like Nevada, Colorado, Utah, New Mexico, and Arizona. He discussed a symposium he attended last week and the guys from Colorado said that it took them 40 years to run the lumber industry out of the state, and now they wished they were there. He said there is no way to manage land, no way to treat what needs to be treated, because the mills go, the logging contractors go, and nothing gets done.

SEN. COBB asked Mr. Rose if there are any suggestions from his administration on what the state can do, and what the legislature can do. Mr. Rose said he thought that Montana Wood Product's Association will have three specific pieces of legislation. He talked about the letter he had written to Mary Sexton (see Exhibit 3) regarding two possibilities; 1) how can we get more timber from the federal lands to the mills. Especially in light of the mortality of the trees mainly from the bugs, and the federal government being the largest land owner here, and 2) the way land is being managed the affected stands on state and private lands that join it have really changed. He discussed several other bills that will be out, and said one deals with weight limits.

01:21:01 SEN. WILLIAMS asked Mr. Rose if there is a report from the meeting he had with the Governor and Mary Sexton. Mr. Rose said there was nothing that was publicized.

Panel Member:

01:22:00 **Tom Ray, General Manager for Plum Creek Northwest Resources**, said that Plum Creek manages 1.2 million acres of forest lands in the state of Montana; they have 9 milling facilities, and 1,400 full-time employees. He discussed how Plum Creek was impacted by the fires in 2007, and have been impacted for the last 5 years. He said they lost approximately 40,000 acres of timbered land last year to fires, and have lost over 100,000 acres in the last 7 to 8 years. He said that most of the fires have started on managed land. He informed the committee that Plum Creek is noticing that in these dryer summers the fires are starting on unmanaged lands and they don't get caught until they come onto Plum Creek land where they are able to catch them. He said the fires are caught on their land because their land is managed plus, and they have roads that are accessible. He talked about the Chippy Creek fire that took place in 2007, and said that approximately 100 square miles was burned. The fire was caught on Plum Creek land because of the land being managed and accessible. The firefighters were able to fight and control the fires. He stated that "we need to work together as land owners to actively manage our lands and prevent this heavy fuel buildup that is seen across Montana." He talked about funding, and stated there is an increased need for funding to fight fires in Montana. He said in the last legislative session Plum Creek supported a bill that increased the tax rate that landowners would pay to provide more funding for the state to do more firefighting. He complimented the state on the good job they do in fighting the fires. He said that Montana has a system that isn't equitable. He talked about

the forested lands in Montana that receive firefighting services, but do not pay anything. He said "we need to take a look across the landscape and broaden how we think about providing funds for firefighting, and maybe come up with as system that is more equitable." He said there is no doubt that the costs for firefighting is increasing.

Questions from Committee Members:

- 01:24:48 SEN. LEWIS talked about the agriculture bill that was just passed by Congress, and said that Sen. Baucus had put in authority for \$500 million in tax exempt bonds to handle some of Plum Creek lands in Montana. He wanted to know how Plum Creek was involved or are there any ideas where the money is going. Mr. Ray stated that Sen. Baucus has made it a conservation measure, and said it isn't specific to Plum Creek lands, but could probably be applied to some of their lands. He said there is ongoing dialogue regarding trusts for public lands in Montana. He talked about a deal that Plum Creek has with Montana that could be around 300,000 acres that will be sold for conservation use through the Trust for Public Land and the Nature Conservancy. He said they are hoping to reach a deal and will have more information in the next 30 to 60 days to see what it looks like.
- 01:26:22 REP. KEANE wanted to know about the mills; where is the timber market at this time, and how does Plum Creek deal with the market. Mr. Ray said that Plum Creek lost \$9 million this last quarter just on manufacturing. He talked about; 1) lack of demand for timber, 2) getting logs to the mills, 3) the cost for curing, and 4) the cost of insurance. He said they are in a trough and do not see the market returning. He does feel that Plum Creek will be able to weather the storm economically. The biggest threat to the mills is the lack of public timber supply. He said the question is "when will another mill close, not if."
- 01:28:01 SEN. LAIBLE asked about harvesting the burned timber from past fires, and wanted to know if Plum Creek replant trees after harvesting. Mr. Ray responded that where there is a light intensity burn, there are seed trees left for natural forest reforestation. If there are areas where there is no natural regeneration they will replant trees in those areas. He said it is a process that takes 3 to 4 years because they have to get nursery crops growing.
- 01:28:55 SEN. LAIBLE wanted to know how long they have to wait after a fire and replanting, to start the process of sequestration, and also asked if Plum Creek applies for carbon credits. Mr. Ray said they just joined the carbon exchange in Chicago last month. He said there is a lot of dialogue out there on what constitutes a carbon credit. He questioned "is it reforestation that will count or does it take forestation where nothing was growing before and plant it", and replied that he doesn't know the answer.
- 01:29:58 REP. BOLSTAD asked Mr. Ray to talk about proposed legislation. Mr. Ray responded by discussing a meeting between Mr. Rose and Mary Sexton, Director of Department of Natural Resources and Conservation(DNRC). He said the ideas that came out of the meeting addressed:

- managing the federal forest - an effort giving forest land to the state, like a contract stewardship basis,
- to have more local involvement, and
- more local control.

Mr. Ray talked about Plum Creek putting these ideas into bill form and taking it to Congress.

- 01:31:18 SEN. COBB asked if there are no changes at what point will mills start shutting down. Mr. Ray stated that they are reaching out into a larger working circle now. He said they currently rail from Wyoming three times a week. They also truck about 50 miles northwest of Salt Lake City, and sometimes they truck out of Canada when they bring in logs from Utah, and Canada. He said it will become critical within 2 to 3 years. He said with the price of diesel they cannot bring logs in from places like New Mexico, etc. SEN. COBB asked about the thousands of homes, and other buildings that the state doesn't have to pay for, and wanted to know how Plum Creek is working with the state. Mr. Ray said they work with counties and towns. He talked about the homeowners being responsible, and working with the fire units. SEN. COBB asked about impact fees, such as selling land that have covenants and require landowners to help pay for the cost of fire protection. Mr. Ray said that Plum Creek has impact fees that are used toward fighting structure fires. He said there are covenants on landowners who are involved in subdivisions and have certain structure guidelines to be fire safe. Mr. Ray said that Plum Creek is working with the state and local fire districts by providing fire equipment and wells for the subdivisions that are being built in the WUI.
- 01:35:55 REP. VINCENT asked if a fire assessment fee has been placed on some of the timber in the area. Mr. Ray didn't know. REP. VINCENT asked about fires contained on Plum Creek land, and what are the costs when fires come off of public land. Mr. Ray said it is the loss of resources that affect them and the reason they have lost \$9 million in the last quarter.
- 01:38:23 REP. VINCENT and Mr. Ray talked about the farm bill, flushing out restrictions, and subject to build. REP. VINCENT wanted to know where are all the uses or requirements. Mr. Ray said it is a working forest concept, and they will have easements that will be protected.
- 01:39:39 Barb Smith, Fiscal Analyst, LFD, distributed several handouts, one explains the cost of fires. **Exhibit 4** The other handout gives a perception on the Outlook of Fire. **Exhibit 5**
- 01:39:58 SEN. WILLIAMS talked about a bill she had at the last session (2007) called "Montana, a Working Forest". She stated that the Legislature was trying to do with that bill with what is being described here today; keeping agriculture land in production, protect wildlife, and access to hunting. She talked about endowment and trust funds that would go to the state to help maintain the programs. She said that Plum Creek wasn't an opponent of that bill, but they were silent, and she wanted to know why. She wanted to know what is going to happen to the

economy, the development, and subdivisions that make big impacts on the counties, etc. She talked about the Montana Legislature trying to find a way to deal with this issue in a positive way and to protect Montana land and keep the funds in our Montana's bank account. Mr. Ray responded stating that Plum Creek will be asking for legislation to do this. He said that Plum Creek met last week with Public Land Trust regarding a state effort to create a grass roots coalition to accomplish Sen. William's concerns.

01:42:27 REP. RIPLEY asked Mr. Ray if they can insure their timber against fire loss. Mr. Ray said they could, but it isn't practical. He said it is just one of the risks that Plum Creek accepts, same as drought and beetle kill.

01:42:59 SEN. COBB asked about easements, and how do you get the message to the people to attend these meetings. Mr. Ray said they have public meetings that people are able to attend. SEN. COBB and Mr. Ray discussed dealing with public money, and people who don't get to be involved.

01:45:11 **Tim Love, District Ranger, Seeley Lake Ranger District, USFS**, distributed several handouts. He addressed the map that shows the different areas and years where there have been large fires. See exhibit 1. He talked about the Man Gulch fire that occurred on August 5, 1949, and the firefighters that perished there. He discussed; 1) loss of life and loss of the forest, 2) replacement of the forest, and 3) he explained a handout of a forest that had burned. **Exhibit 6**

01:48:18 Mr. Love talked about fire prevention and everyone working together. He read an article called "Effective Fire Suppression Outcome that begins with Community Fire Protection Partnerships on the Jocko Lakes fire, Seeley Lake, Montana on August 2008." **Exhibit 7**

Questions from Committee Members:

01:53:30 SEN. LAIBLE wanted to know why more acres of the beetle infested trees can't be treated beside the 2,500 acres that is currently being treated. Mr. Love said they are treating more then the 2,500 acres. SEN. LAIBLE wanted to know how long it takes to treat the trees to be effective. Mr. Love stated that it takes about 2 years from start to finish. He said because of federal laws and requirements it takes them 2 years from reviewing to treatment.

01:55:37 REP. KEANE asked Mr. Love when they present their plans, how much litigation do they encounter. Mr. Love replied that they are fortunate that they have not been litigated even though they have had threats. He said that is a challenge they always face. REP. KEANE wanted to know how much time do they spend on an appeal process. Mr. Love said that appeals can take up to a year.

01:57:39 SEN. LEWIS asked about timber sales on smaller diameter timber, and if that money goes into a separate pot. Mr. Love said it goes to the treasurer's office.

01:58:39 REP. VINCENT asked how many acres make up the Seeley Ranger District. Mr.

Love said approximately 400,000 acres. REP. VINCENT wanted to know about the target on sustainable timber management. Mr. Love gave his analysis on burned acres. He said the forest is segregated and different areas are worked on a per year by year basis. REP. VINCENT asked how many of the 400,000 acres was involved in the fires from this last season. Mr. Ray said there was approximately 12,000 acres that burned. He said they had sold about ½ million feet of that timber before the fires started. He said they are currently doing an analysis to determine if there is any salvage left on that 12,000 acres.

02:00:30 SEN. LAIBLE asked if the 2,500 acres that was treated is in the WUI. Mr. Love replied that it is.

02:01:53 **Carolyn Mehl, Land Use Planning and the Wildland-Urban Interface (WUI)-Ecosystem Management Research Institute** distributed a handout on the WUI. **Exhibit 8**. She talked about implementing a WUI, and about agencies directing and assisting them in developing a plan. She said the development of a WUI plan started 4 years ago, but there still isn't enough information. She talked about a five-mile bumper and the spread of land development. Ms. Mehl said that Seeley Lake is being looked at more and more for land development, and stated that land use planning is needed to consider growth. She said the WUI was used to assist in the development of growth. The guidelines in the WUI has helped in the firefighting part of the landscape assessment. She said the WUI was also used as a guide for evacuation plans.

Ms. Mehl talked about how WUI has impacted the growth. She discussed the watershed and how funding has been provided for WUI lands with a percentage of the funding to be used for fuel treatment mitigation for communities in the Community Wildfire Protection Plan (CWPP). She said the state needs to provide guidelines for WUI boundaries. She addressed; 1) the need for legislation guidelines to develop WUI, 2) building outside the WUI buffer, and 3) how communities are not given much information on how to develop a WUI. She explained that WUI funds have future use and determine how the boundary lines are drawn. She asked that the cost be shifted to land developers that build outside the WUI. Once a WUI is created and a process is in place, the land developed outside the WUI should be discouraged toward development and those landowners should be charged more tax. She said there is a need to try to encourage landowners to develop inside the WUI. She closed by stating that the protest provision has tied the hands of the Seeley Lake community regarding planning and zoning, because the community needs the consent from the primary landowner before anything can be developed.

Questions from Committee Members:

02:16:33 REP. BOLSTAD asked about changing the tax structure outside the WUI. Ms. Mehl responded that the tax structure needs to be followed through the objectives of the WUI. Ms. Mehl also discussed taxes being higher outside the WUI then it is inside the WUI. She stated that it is for discouragement of land development outside of the WUI. REP. BOLSTAD asked about looking at the WUI statewide. Ms. Mehl responded that every community is making their own

ruling. She said it depends on what their objectives are, and what are the mitigation fuel plans, such as a 1.5 miles or 5 miles for a buffer zone. She said the state does not have values in place to show communities what is appropriate. She stated this is where there are no guidelines on boundaries. When land development keeps expanding outside the WUI, the cost goes up.

- 02:18:49 REP. VINCENT wanted to know what type of people make up the Eco System Institute. Ms. Mehl responded that it is a conservancy group, the Swan Eco System Management Committee, whose members are made up of agencies and organizations, and residents of the Swan Valley. She said that the committee meets about two times annually to share information. This committee oversees the development of the watershed restoration plan for the Swan Valley. REP. VINCENT asked if there are any landowners on the planning committee. She said no, except for Plum Creek.
- 02:21:54 SEN. COBB and Ms. Mehl talked about having a process in place to tell the people that they are not protected when they develop outside of the WUI. SEN. COBB wanted to know how the people that live outside the WUI are being taxed. Ms. Mehl said they are taxed higher when they develop outside the WUI, but it is a different tax structure to help assist with some of the local costs, such as fire services, etc. She said when looking at higher costs of developments, that she tries to encourage the developers to transfer into the WUI by restructuring the boundaries.
- 02:22:33 SEN. LEWIS asked about removing the hurdle for the protest provision. He said that it is a sense that the property owner feels that the value of his/her property is taken away from them, and wanted to know if that provision should be eliminated. Ms. Mehl replied that it is her suggestion that if it is a county/med (economic development) process that it should be eliminated.
- 02:23:19 SEN. LAIBLE asked if the Eco System Management Research is non-profit, if so, who funds it. Ms. Mehl replied they receive grants, foundations, federal or state agencies, but stated the Research is service orientated, and the members work. SEN. LAIBLE asked if the Sonoran Institution assists with any of the funding. Ms. Mehl said that they do not. SEN. LAIBLE and Ms. Mehl talked about land-use planning, and fuels mitigation for development. Ms. Mehl said that mitigation for development is not the intention of the community to stop development. She said that it is her view to make some sense of where development should occur. The Research wants to make development beneficial to private landowners, but to consider other areas to develop in and be beneficial for the community. SEN. LAIBLE asked if the Eco System Research believes that a community can dictate how a landowner uses their land. Ms. Mehl said that the community should have a say in the decision, but didn't feel they should dictate. SEN. LAIBLE stated that if the protest provision is done away with, would that community be able to dictate what happens to the land. Ms. Mehl responded by stating that she feels this community has tried very hard to provide incentives for Plum Creek to develop elsewhere.

- 02:27:09 **Frank Maradeo, Chief of the Seeley Lake Fire Department**, distributed a handout which explains the responsibilities of the Seeley Lake Fire Department, how they operate, and the various projects they do for the community. **Exhibit 9** He also distributed a Seeley-Swan Fire Plan that was developed in March 2004. He talked about the many calls the department has received so far this spring. He will get new copy of fire plan to Ms. Heisel. He discussed how his department handles WUI; land development in the outreaches of their district. He talked about developing: 1) regulations, 2) WUI water supply, 3) county roads, 4) signs, and 5) how each property must meet fuels mitigated properties.
- 02:34:03 Mr. Maradeo talked about a solution to the department's woes and not having the funding to service the WUI area. He directed the committee to the map. See exhibit 1. He talked about the community charging a fee for new subdivisions in the WUI, or they need to impose a mill levy. He said that a meeting will be taking place on June 27, 2008, to discuss "behind the scenes" perspective on the Jocko Lakes fire from beginning to end. He informed the committee that the fire department will be using this as an educational as well as an informational event. He said that even though the WUI moves further away the fire department will still answer medical calls.
- 02:41:58 SEN. LAIBLE asked Mr. Maradeo about impact fees to fund his project. Mr. Maradeo said that the state has built these fees into the communities. He said they do have problems with them passing through the Board, but said that he is willing to discuss this with the County Commissioners. SEN. LAIBLE commented that the fees are available through statute.

Panel Member:

- 02:43:44 **Steve Wallace, DNRC**, thanked the committee for their support. He said it is the first time in his 27 years as a unit manager that he has received additional firefighting resources without additional protection. He told the members that they are already a success in his eyes for their support for supplies, 4 new FTEs, equipment, etc. He hopes down the road that DNRC will not have to contract out for so many resources.
- 02:45:14 Mr. Wallace talked about the many fires that took place back in 1981 that never got larger than 10 acres. He said before last summer he had never seen a line-officer trying to handle such a large fire. He said when looking back at the way the fires were handled last year (2007) he would not make many changes. He said that he and DNRC will put out every fire they can, especially when temperatures, fuel, and wind, make the perfect storm.
- 02:49:47 SEN. LAIBLE commented that the reason Mr. Wallace got his funding is because Bob Harrington and DNRC put themselves on the line by telling the legislature that "these are our measurements used to achieve our goals." SEN. LAIBLE complimented Mr. Wallace, Bob Harrington and DNRC, who put their resources out there to fight the fires and put the fires out.
- 02:51:49 SEN. LAIBLE wanted to know why the fires of 2007 couldn't be stopped. Mr.

Wallace replied that if the winds had blown on August 4 the way they did on August 3, Seeley Lake would have burned down.

- 02:54:39 SEN. LEWIS commented about the addition of 2000 to 3000 house in the WUI and how do you protect them. He wanted to know if Montana needs to go back to the 10 o'clock rule. Mr. Wallace responded by quoting George Weldon, who said "if you don't like smoke, and you don't like large fires, you probably don't want to move to Montana because there will be a lot of smoke and a lot of large fires."
- 02:57:21 REP. RIPLEY asked Mr. Wallace about his decision, and what he would do different on the Jocko fires. Mr. Wallace said he would build a line of fire..but as it turned out they didn't need to line the whole fire. He wished early on that he could have realized that they didn't need to line the whole fire and felt they missed an opportunity by putting peoples lives at risk and spent a lot of money. He said as a fire manager he needs to know what the forest service is doing, as well as all the other units are doing to be effective. He informed the committee of a meeting that local officials will be attending on June 27 to discuss the lessons learned from the Jocko fires.

Public Comment:

- 03:02:13 **Bill Carey, County Commissioner in Missoula County.** He informed the committee that he served two terms in the legislature in 1995 and 1997. He talked about his experiences as a legislator and how they worked to have bills become law. He asked the committee members to educate themselves regarding fires, because it means a lot to the county taxpayers who pay the numerous bills.
- 03:03:15 **Larry Anderson, Missoula County Commissioner,** said that Missoula is going through a planning process for a WUI. He talked about the considerable impact of development in the WUI. These issues all relate to how the county can assist, and that the planning developers need to be at the table to address these issues. He talked about the legislature giving authority to the county commissioners to enforce reasonable standards. He said one size doesn't fit all, and the county commissioners are willing to work with the legislature.
- 03:07:25 **Mike Meyer, Rocky Mountain Elk Foundation,** distributed a handout that explains the foundations ideals. **Exhibit 10,** He thanked the committee for all the work they have done in this area. He discussed; conservation easements, protecting wildland and wildlife, and explained what the foundation does.
- 03:15:44 **John Huffer, Chairman of the Local Seeley Lake Community Council,** thanked the committee for being here and listening to the communities and their concerns. He said that he also serves on the Seeley Lake Appeals Litigation Task Force. He provided comments related to his experience from these two positions that he holds. Mr. Huffer encouraged the committee to work on the proposed legislation that Sen. Williams offered in the 2007 session by continuing to work towards the funding for a working forest, and reduce the incentive to

keep forest from being developed. He said that lands outside the WUI have a very low tax structure associated with them as agra forest lands. The lands get developed and the costs are a burden to the county. He said that \$30 million was spent on the Jocko Lakes fire last year trying to protect those that live outside the WUI. He asked that the tax structure be changed to address those that build outside the WUI and add to the local tax level instead of being a burden on the communities, counties, etc. He addressed the suggested \$2,000 additional tax fee for those that build outside the WUI, but stated that it cost about that much for fuel mitigation per acre, such as thinning the fuels around the outlying homes. Mr. Huffer suggested that insurance companies get involved and said they need to make insurance very expensive to build outside the WUI or make it unavailable. He added that the protest provision needs to be re-visited for land use planning initiatives. He said they have found that one landowner can hold the entire land use planning process hostage. He said there needs to be a better balance in the process so one landowner cannot control the whole county.

03:22:21 **Roger Marshall, Resource Manager for Plum Creek**, said he has managed Plum Creek land here in the local area for 32 years. He talked about his involvement with the Clearwater Resource Council. The Council works on keeping the ecosystem and the environment intact in the Seeley-Swan area for future generations. He asked that the Committee look at the handout on the Seeley-Swan Fire Plan distributed by Fire Chief Maradeo.

03:31:46 Mr. Marshall talked about the temperature reaching over 100 degrees last summer, and the affect the heat has on the fires. He addressed global warming and challenged the legislators to pass legislation to address this issue.

03:33:42 SEN. WILLIAMS asked if there were any more comments. There was none. She adjourned the committee meeting at 11:55 a.m.

* The committee members and the public discussed the various issues that had been heard. Actual adjournment took place at 12:30 p.m.